

REMARKS

The Office Action has objected to the disclosure. In addition, claims 4, 5, 8, 9, and 10 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Office Action has additionally rejected claims 1-11 under 35 U.S.C. § 112, first paragraph for allegedly being non-enabling and for allegedly containing subject matter which was not described in the instant specification. Finally, the Office Action has rejected Claim 1, 2 and 3 under U.S.C. § 102 as defining subject matter, which is allegedly anticipated by the teachings of U.S. Patent No. 6,024,898 to Steibel et al ("Steibel et al).

Applicants have amended the specification s to correct obvious grammatical errors. In addition, applicants have added claims 12-20 to the present application. Support is found in the instant specification.

No new matter is added to the application.

In the Office Action, the Examiner has noted grammatical errors in the specification. Applicants have corrected them. Therefore, the objections to the specification is overcome, withdrawal thereby is respectfully requested.

In support of in the rejection of claims 4, 5, 8, 9 and 10 under 35 U.S.C. § 112, second paragraph, the Examiner alleges that the term "the ultra high heat processing step" has no antecedent basis in claim 1, upon which it was dependent. Claim 4 has been rewritten in independent form, thereby obviating the rejection. Thus the rejection of claim 4, 5, 8, 9 and 10 under 35 U.S.C. § 112, second paragraph is obviated; withdrawal thereof is respectfully requested.

In support of the rejection of claims 1-11 under 35 U.S.C. § 112, first paragraph for alleged non-enablement, the Office Action alleges that the specification is enabling for a process which include a step of applying an anti-oxidation coating, but does not provide enablement for the process as claimed. Applicants have amended the claims to the subject matter recited in original claim 1. The subject matter of the claims include a step of applying an anti-oxidation coating. Thus the rejection of claims 1-11 under U.S.C. § 112, first paragraph is obviated, withdrawal therefore is respectfully requested.

In support of the rejection of claims 1-11 under 35 U.S.C. § 112, first paragraph the Office Action alleges that the specification does not support an optional step of applying an anti-oxidation coating.

The claims have been amended to recite the subject matter that was originally claimed in that the anti-oxidation coating is a required step. Thus, the rejection of claims 1-11 under 35 U.S.C. § 112, first paragraph for allegedly containing subject matter that was not described in the specification is overcome; withdrawal thereby is respectfully requested.

Pursuant to the rejections of claims 1-3 under 35 U.S.C. § 102 (b), the Office Action cites Steibel et al. Steibel et al disclose a method for preparing a complex shaped perform, comprising: providing a mass of fibers, each fiber having a diameter less than about 40 micrometers; impregnating the mass of fibers with a slurry composition containing at least one high char yield resin selected from a carbon forming resin or a ceramic forming resin, or a mixture of both; forming the impregnated mass of fibers into a preselected preform; and firing the preform at a temperature and time sufficient to cure the preform, wherein the carbon forming resin is selected from the group consisting of phenolics, furfuryl alcohol, partially-polymerized resins derived therefrom, petroleum pitch, coal tar pitch, and mixtures thereof.

There are many differences between the present invention and the cited prior art reference. For example, Steibel et al do not teach or disclose step (4) of claim 1, namely the step of forming an oxidation layer by means of introducing gaseous SiO₂ while heat processing the hardened and carbonated preform. A review of Steibel et al clearly reveals that no such step is described in Steibel et al.

Moreover, there is at least another difference between Steibel et al. and the present invention. The method for manufacturing carbon/silicon-carbide composite of the claimed invention requires the step of hardening a stacked carbon/phenolic perform as recited in claim 1. This step reduces greatly the fabrication time and cost compared with the prior arts. But Steibel et al. just disclose a method which includes making a 2-D reinforced reform for melt infiltration; in other words the reference fails to disclose a method including hardening a stacked carbon/phenolic perform, differing from the claimed invention (see column 6, lines 40-53, and example A of Steibel et al.). Again, a review of the cited prior art clearly reveals that the step of hardening a stacked carbon /phenolic perform is not disclosed in Steibel et al.


Case law has held that anticipation requires that the cited publication disclose each and every limitation of the claims. Electro Medical Systems, SA. v Cooper Life Science Inc. 34F3d 1048, 1052, 32USPQ 2d 1017, 1019 (Fed Cir. 1994). The absence of a claimed element from the prior art reference is enough to negate anticipation by the reference. Kalman v. Kimberly –Clark Corp., 713 F2d 760, 771-772, 218 USPQ 781, 789 (Fed Cir 1983)

As described herein, the prior art reference does not teach or disclose two of the required limitations in claims 1-3. Thus, Steibel et al do not anticipate the subject matter

of claims 1-3. Therefore, it is respectfully submitted that the rejection of claims 1-3 under 35 U.S.C. § 102 (b) is overcome; withdrawal thereof is respectfully requested.

Thus, for the reasons given here it is respectfully submitted that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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